



219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1008-2011 (O&M)
Date of Decision: 27.04.2026

Darshan Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. R.V.S.Chugh, Advocate,
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 16.04.2011 passed by the Court of Sessions Judge, Mansa and the judgment of conviction and order of sentence dated 21.07.2009 passed by the Court of Judicial Magistrate 1st Class, Mansa, whereby the petitioner was ordered to be convicted for the commission of offence punishable under Section 61(1)(c) of the Punjab Excise Act and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5000/- alongwith default stipulation.

2. The brief facts of the present case are that on 26.05.2005, Head Constable Angrej Singh along with other police officials, was present at bus-stand of village Heero Kalan in connection with patrolling, where he received secret information that Darsha Singh alias Darshi son of Budh Singh resident of village Heero Kalan, is habitual of distilling and storing illicit liquor and if raid is conducted at his house, huge quantity of lahan/illicit liquor can be recovered



from his possession. On finding for registration of case under Section 61/1/14 of the Excise Act, on the basis which FIR was registered against the accused. Then HC Angrej Singh along with the other police officials proceeded towards the house of accused; joined independent witness Chowkidar Idu Khan of village Heero Kalan in the police party on the way; and on reaching the house of accused, apprehended him while distilling illicit liquor by means of a working still outside the kitchen of his house and at that time the accused was changing the water. The working still was dismantled and cooled down. The construction of working still was that the hearth was dug in the earth and two wooden logs underneath the hearth burning, an iron drum containing 40 kgs lahan was lying on it. A chhakala was fitted on it, out of which a plastic pipe was leading of the bottle, and, as such, 3 ½ bottles of illicit liquor had been distilled. An iron bathal, containing water, on the chhala was fitted, which was being used as cooler. A nip was separated to serve as sample from the illicit liquor contained in bottles and the remaining illicit liquor on being measured came out to be on 3% bottles which were made into separate parcels. HC Angrej Singh sealed all the articles of working still as well as the sample parcel and bottles with his seal bearing impression 'AS' and took the same into possession through memo. Sample seal was prepared separately and the seal after use was handed over to HC Bhola Singh. Accused was interrogated and his personal search conducted through memo. Rough site plan of place of recovery with correct marginal notes was prepared. Accused was arrested through memo. Statements of witnesses were recorded. On return to the Police station case property and sample nip with seals intact were deposited with MHC. Contents of iron drum were got tested from excise Inspector. After



receipt of the report of Chemical Examiner and completion of all other necessity formalities and investigation, challan was prepared and presented in the Court.

3. After presentation of challan, the trial Court found that a *prima facie* case under Section 61(1)(c) of the Punjab Excise Act, 1914 was made out against the petitioner and he was charge-sheeted accordingly. He pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 HC Gurdeep Singh, PW-2 Gian Chand, Excise Inspector, PW-3 HC Bhola Singh, PW-4 C. Harjit Singh, PW-5 HC Angrej Singh and thereafter, the evidence of the prosecution was closed.

5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating evidence was put to him. He pleaded innocence and claimed trial. In defence, the accused examined DW-1 Idu Khan and closed the defence evidence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgments of convictions, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.



8. I have heard learned counsel for the parties and perused the record carefully.

9. In the present case, from the statements of PW-3, HC Bhola Singh, the recovery witness and PW-5, HC Angrej Singh, Investigating Officer of the case, the recovery from the present petitioner stood amply proved. Even both the witnesses had proved the various memos on record. They also proved ruqa Ex.PE, FIR Ex.PE/1, recovery memo Ex.PB, vide which articles of working still i.e. drumi Ex. P-1, earthen "chhikala" Ex. P-2, rubber pipe Ex. P-3, plastic pipe Ex. P-4, bathal Ex. P-5, two wooden logs Ex. P-6 and Ex. P-7, a chappan permanently fitted in the "chhikala" Ex. P-8, and iron bucket Ex. P-9, four bricks Ex. P-10 to Ex. P-13, one empty bottle Ex. P-14 and sample seal as well as plastic can containing 3 ¼ bottles illicit liquor Ex.P-15 were take into possession, personal search memo of accused Ex. PC, arrest memo of accused Ex. PD and rough site plan of the place of recovery Ex. PF, test report submitted by Excise Inspector Ex.PA and report of Chemical Examiner Ex.PG.

10. Still further, PW-1, HC Gurdeep Singh deposed that the case property as well as sample seal were deposited with him. Even the sample nip was sent to the FSL through Constable Harjit Singh, who was examined as PW-4 and he also supported the case of the prosecution. Even as per the FSL report, the seals of sample nip were intact and the FSL report also supported the case of the prosecution. Even the prosecution had led sufficient evidence to show that the petitioner was found distilling illicit liquor by way of a work instant and has been rightly convicted for commission of the offence under Section 61 (1)(c) of the Punjab Excise Act. Even otherwise, I have carefully perused the judgments



of convictions passed by both the Courts and I find no infirmity, illegality or irregularity in the impugned judgments.

11. Now, advertent to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 26.05.2005 i.e. for the last more than 20 years. Even the petitioner was a sole bread earner of the family. Apart from that, as per custody certificate, the petitioner has already undergone about 02 months of actual custody, out of total sentence of one year and is the first offender. Even the sentence imposed on the petitioner was suspended by this Court on 02.06.2011 and since then, he had maintained good conduct. Thus, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him and the amount of fine imposed on him shall remain same.

12. With the above modifications, the present revision petition is partly allowed and the impugned judgments of conviction are upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the amount of fine imposed on him shall remain same.

13. All pending applications, if any, are also disposed off, accordingly.

14. Case property, if any, may be dealt with as per rules.

15. The trial Court record be sent back to the trial Court.

(N.S.SHEKHAWAT)
JUDGE

27.04.2026
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No